

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Examiner: J. T. Barton  
J. Michael Ramsey )  
Serial No. 09/909,638 ) Art Unit: 1753  
Filed: July 20, 2001 )  
For: "Apparatus and Method for )  
Performing Microfluidic )  
Manipulations for Chemical )  
Analysis )

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**DECLARATION UNDER 37 C.F.R. §132 OF J. MICHAEL RAMSEY**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

I, J. Michael Ramsey, declare:

1. I am the J. Michael Ramsey named as inventor of United States Patent Application No. 09/909,638 (hereinafter "the '638 application").

2. I have read and understand the Office Action dated October 29, 2004 in the '638 application;

3. In the Office Action dated October 29, 2004 in the '638 application, I understand the Examiner to have rejected claims 1-5 under 35 U.S. §102(a), based on the contention that the publication of Jacobson et al., Anal. Chem., 66: 1107-13 (1994) (hereinafter "the Jacobson et al. reference") anticipates those claims.

4. I hereby state that I am the sole inventor of the subject matter claimed in the '638 application. In the declaration submitted with the '638 application, I averred that I am the "original, first and sole inventor" of the invention which is the subject of that application. I believe this statement to be true.

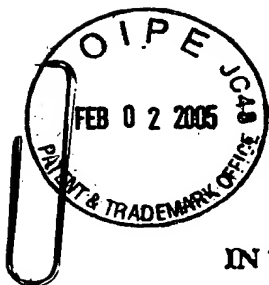
5. I am the fifth of five co-authors listed on the Jacobson et al reference. Insofar as the Jacobson et al reference reports on any aspect of the invention claimed in the '638 application, such aspect was solely conceived by me and carried out under my direction and control. Accordingly, the work reported in the Jacobson et al reference is a disclosure of my own work, and is not that of another. The other co-authors are mentioned in the Jacobson et al reference for their assistance in following my instructions and preparing the publication. Furthermore, except for myself, none of the co-authors who are listed on the Jacobson et al reference contributed to the invention relating to a method of controlling fluid flow in an interconnected channel structure having at least three ports, which is the subject of the '638 application.

6. I declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

DATE: \_\_\_\_\_

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J. MICHAEL RAMSEY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                               |   |                            |
|-------------------------------|---|----------------------------|
| In re the Application of      | ) | Examiner: J. Starsiak, Jr. |
| J. MICHAEL RAMSEY             | ) |                            |
| Application No. 09/300,060    | ) | Group Art Unit: 1743       |
| Filed: April 27, 1999         | ) |                            |
| For: APPARATUS AND METHOD FOR | ) |                            |
| PERFORMING MICROFLUIDIC       | ) |                            |
| MANIPULATIONS FOR CHEMICAL    | ) |                            |
| ANALYSIS                      | ) |                            |

Assistant Commissioner for Patents  
Washington, DC 20231

DECLARATION UNDER 37 CFR §132 OF J. MICHAEL RAMSEY

I, J. Michael Ramsey, declare:

1. I am the J. Michael Ramsey named as inventor of United States Patent Application No. 09/300,060.
2. I have read and understand the Office Action in that application which was mailed on October 7, 1999.
3. In the Office Action of October 7, 1999, I understand the Examiner to have rejected claims 2-12, 14 and 21 under 35 US §102(a) because the Examiner contends the publication of Jacobson et al., Anal. Chem., 66: 1107-13 (1994) anticipates those claims.
4. I further understand the Examiner to have rejected all of the remaining claims, namely, claims 13 and 15-20, because the Examiner contends that the subject matter of the last-mentioned claims would have been obvious in view of prior art to a person of ordinary skill in the art at the time my invention was made, relying principally on the above-cited Jacobson et al. publication in conjunction with certain U.S. patents as evidence of obviousness.

5. I hereby state that I am the sole inventor of the subject matter claimed in the above-identified application. In the declaration of the above-identified application, Application No. 09/300,060, I averred that I am the "original, first and sole inventor" of the invention which is the subject of this application. I believe this statement to be true.

6. The Examiner has cited the publication of Jacobson et al., Anal. Chem., 66: 1107-13 (1994) to support rejections under 35 USC §§102(a) and 103(a) that the claims noted above are either anticipated, or would have been obvious to a person of ordinary skill in the art at the time the subject matter of those claims was invented. I am the fifth of five co-authors listed on this publication. Insofar as the Jacobson et al. publication reports on any aspect of the invention claimed in the above-identified application, such aspect was solely conceived by me and carried out under my direction and control. Accordingly, the work reported in the above-cited Jacobson et al. publication is a disclosure of my own work, and is not that of "another". The other co-authors are mentioned on the aforementioned publication for their assistance in following my instructions and preparing the publication. Furthermore, except for myself, none of the co-authors who are listed on the aforementioned publication contributed to the invention relating to a method for sample injection through channel segments of a microchip device, which is the subject of the above-identified patent application.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1/5/00  
DATE

J. Michael Ramsey  
J. MICHAEL RAMSEY